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EXAMINER
ALVESTEFFER, STEPHEN D

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/809,050	DART ET AL.
	Examiner	**Art Unit**	
	Stephen Alvesteffer	2175	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 December 2008</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,6-9 and 11-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>1,2,6-9,11,12 and 22</u> is/are allowed.

6) ☒ Claim(s) <u>13-21 and 23</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the Request for Continued Examination (RCE) filed December 5, 2008. Claims 1, 13, and 23 are amended. Claims 3-5 and 10 are cancelled. Claims 1, 13, and 23 are independent. Claims 1, 2, 6-9, and 11-23 remain pending.

Claim Objections

Claim 15 is objected to because of the following informalities: "graphical element **as** an icon" should be corrected to —graphical element **is** an icon—. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferri et al. (hereinafter Ferri), United States Patent Application Publication 2005/0125736.

Regarding claim 13, Ferri teaches a system, comprising a processing unit, memory, and a display, the memory storing processor executable instructions that,

when executed, cause the generation of a graphical user interface (see Ferri Figure 7,

item 600), the graphical user interface comprising a window section (see Ferri Figure 7,

items 602, 604, 606, 608, and 610), the graphical user interface including at least one

graphical element displayed in the window section of the graphical user interface (see

Ferri Figure 7, item 600), the graphical element having a filename associated therewith,

the filename being absent from the graphical user interface as a result of a

determination (see Figure 7 and paragraph [0041]; "*Desktop 600 comprises four*

segments: top segment 602, bottom segment 604, left segment 606, and right segment

608. Top segment 602 contains icons which are organized in the smallest possible icon

organization", the icons in segment 602 do not have file names displayed; see also

paragraph [0010]; "*The user defines the segment location, the segment size, the types*

of icons associated with the segment, the icon organization within the segment, and

whether the segment covers the desktop wallpaper. The IGP analyzes the icons and

places the icons into the proper segments based on the type of application associated

with the icon", the segment in which a file is represented is based on the file type) that

data associated with a component of the filename is image data or multimedia data

(addressed below), the graphical element being aligned more closely with surrounding

graphical elements displayed in the same window section of the graphical user interface

by reducing the space therebetween, the reduction resulting from the filename being

absent from the graphical user interface (see Figure 7 and paragraph [0037]; "*IOP 400*

then determines if the icon organization defined in CP 200 is the smallest possible icons

(406). If the icon organization is the smallest possible icons, then IOP 400 shrinks the

icons to their smallest possible size allowed by the icon source code and reduces the

space between icons until all of the icons fit into the segment (408). IOP 400 then ends

(432). If at step 406, the icon organization is not the smallest possible icons, IOP 400

determines if the icon organization defined in CP 200 is to adjust the icons to fill the

segment (410). If the icon organization is to adjust the icons to fill, IOP 400 adjusts the

icon size so that the icons fill the entire segment (412) and ends (432)").

Ferri does not explicitly disclose data associated with a component of the

filename is determined to be image data or multimedia data. However, Ferri does

disclose that the data associated with a component of the filename is determined to be

documents, games, web pages, development tools, and other (see paragraph [0032];

"*Possible icon groups within a segment are documents, games, web pages,*

development tools, and other."). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to define image data and multimedia data as

icon groups as a matter of design choice. Ferri discloses that there are other types of

icon groups that persons of ordinary skill in the art might use in accordance with the

invention (see paragraph [0032]; "*Persons of ordinary skill in the art are aware of other*

icon groups for desktop icons").

Regarding claim 14, Ferri teaches that the system is one of a computer, a

personal digital assistant, a mobile device and an information device (see Ferri

paragraph [0001]; "*The present invention relates generally to organizational methods for*

computer desktops and specifically to a computer program for organizing a plurality of

icons into groups on a computer desktop").

Regarding claim 15, Ferri teaches that the at least one graphical element is an icon (see Ferri Figure 7).

Regarding claim 16, Ferri teaches that the graphical user interface includes a plurality of graphical elements, at least some of the plurality of graphical elements having associated filenames not visible on the graphical user interface in accordance with one of an attribute of data associated with the filenames and a format of the filenames (see Ferri Figure 7, item 602).

Regarding claim 17, Ferri teaches that the attribute is multimedia data (see paragraph [0032]; "*Possible icon groups within a segment are documents, games, web pages, development tools, and other.*").

Regarding claim 18, Ferri teaches that the multimedia data is one of audio data, image data and video data (see Ferri paragraph [0010]; "*The CP allows a user to define at least one segment on the desktop. The user defines the segment location, the segment size, the types of icons associated with the segment, the icon organization within the segment, and whether the segment covers the desktop wallpaper*", users may define a segment to display only image, video, and audio icons without filenames).

Regarding claim 19, Ferri teaches that the format of the filenames is automatically produced by the system (see Ferri paragraph [0034]; "*The wallpaper may be a .bmp, .jpg, or .gif file*").

Regarding claim 20, Ferri teaches that at least some of the plurality of graphical elements having associated filenames visible on the graphical user interface and wherein the plurality of graphical elements having associated filenames not visible on

the graphical user interface are displayed on the display device in at least one

contiguous row, each of the plurality of graphical elements being closer proximate to

one another in comparison to a rendering of the plurality of graphical elements with

associated filenames visible on the graphical user interface (see Figure 7 and

paragraph [0037]; "*IOP 400 then determines if the icon organization defined in CP 200*

is the smallest possible icons (406). If the icon organization is the smallest possible

icons, then IOP 400 shrinks the icons to their smallest possible size allowed by the icon

source code and reduces the space between icons until all of the icons fit into the

segment (408). IOP 400 then ends (432). If at step 406, the icon organization is not the

smallest possible icons, IOP 400 determines if the icon organization defined in CP 200

is to adjust the icons to fill the segment (410). If the icon organization is to adjust the

icons to fill, IOP 400 adjusts the icon size so that the icons fill the entire segment (412)

and ends (432)").

      Regarding claim 21, Ferri teaches that a row of graphical elements positioned

directly below the row of graphical elements having associated filenames not visible on

the graphical user interface is shifted upward, the shifting upward rendering the upward

shifted row of graphical elements closer in proximity to the plurality of graphical

elements having associated filenames not visible on the graphical user interface in

comparison to what the positioning of the row of graphical elements would have been if

the row of graphical elements had not been shifted upwardly (see Figure 7 and

paragraph [0037]; "*IOP 400 then determines if the icon organization defined in CP 200*

is the smallest possible icons (406). If the icon organization is the smallest possible

icons, then IOP 400 shrinks the icons to their smallest possible size allowed by the icon

source code and reduces the space between icons until all of the icons fit into the

segment (408). IOP 400 then ends (432). If at step 406, the icon organization is not the

smallest possible icons, IOP 400 determines if the icon organization defined in CP 200

is to adjust the icons to fill the segment (410). If the icon organization is to adjust the

icons to fill, IOP 400 adjusts the icon size so that the icons fill the entire segment (412)

and ends (432)"). It would have been obvious to one of ordinary skill in the art at the

time the invention was made that if the icons in a segment such as 608 were to be

reduced in size and their filenames removed, the icons in the rows below will be shifted

upwards so as to be more visually appealing and so that screen space is not wasted.

Regarding claim 23, Ferri teaches a method, comprising:

reviewing one of a data associated with a filename and a format of the filename,

the filename having an associated icon (see Ferri Figure 7, showing icons with

associated filenames);

determining if a filename is or is not to be displayed based on the review, the

determination resulting in a filename not being displayed with the graphical element

when the graphical element is rendered in a window section of a graphical user

interface (see Figure 7 and paragraph [0041]; "*Desktop 600 comprises four segments:*

top segment 602, bottom segment 604, left segment 606, and right segment 608. Top

segment 602 contains icons which are organized in the smallest possible icon

organization", the icons in segment 602 do not have file names displayed; see also

paragraph [0010]; "*The user defines the segment location, the segment size, the types*

of icons associated with the segment, the icon organization within the segment, and

whether the segment covers the desktop wallpaper. The IGP analyzes the icons and

places the icons into the proper segments based on the type of application associated

with the icon", the segment in which a file is represented is based on the file type) if data

associated with a component of the filename is determined to be image data or

multimedia data (addressed below); and

congregating icons whose displayed filenames are not to be displayed in at least

one row in the same window section of the graphical user interface, the number of icons

congregated in the at least one row being greater than a comparable row with icons

whose filenames are to be displayed (see Figure 7 and paragraph [0037]; "*IOP 400 then*

determines if the icon organization defined in CP 200 is the smallest possible icons

(406). If the icon organization is the smallest possible icons, then IOP 400 shrinks the

icons to their smallest possible size allowed by the icon source code and reduces the

space between icons until all of the icons fit into the segment (408). IOP 400 then ends

(432). If at step 406, the icon organization is not the smallest possible icons, IOP 400

determines if the icon organization defined in CP 200 is to adjust the icons to fill the

segment (410). If the icon organization is to adjust the icons to fill, IOP 400 adjusts the

icon size so that the icons fill the entire segment (412) and ends (432)").

Ferri does not explicitly disclose data associated with a component of the

filename is determined to be image data or multimedia data. However, Ferri does

disclose that the data associated with a component of the filename is determined to be

documents, games, web pages, development tools, and other (see paragraph [0032];

"*Possible icon groups within a segment are documents, games, web pages, development tools, and other.*"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to define image data and multimedia data as icon groups as a matter of design choice. Ferri discloses that there are other types of icon groups that persons of ordinary skill in the art might use in accordance with the invention (see paragraph [0032]; "*Persons of ordinary skill in the art are aware of other icon groups for desktop icons*").

Allowable Subject Matter

Claims 1, 2, 6-9, 11, 12, and 22 are allowed.

Response to Arguments

Applicant asserts that Ferri does not teach, disclose, or suggest determining for each graphical element of the plurality of graphical elements if a filename is or is not to be displayed with the graphical element when the graphical element is rendered, the determination being based on the type of object that the graphical element represents, the determination resulting in a filename not displayed with the graphical element when the graphical element is rendered if the data associated with a component of the filename is determined to be image data or multimedia data. The examiner respectfully disagrees.

Ferri discloses a virtual desktop comprising four segments (see paragraph [0041]). The top segment contains grouped icons representing document-type files that

are organized in the smallest possible icon organization, without displaying the filenames (see Figure 7). When files are placed on the desktop, an Icon Grouping Program (IGP) analyzes the file type and places the icon for the file in the proper segment (see paragraph [0010]). Ferri explicitly shows (in Figure 7) a determination resulting in a filename not displayed with the graphical element when the graphical element is rendered if the data associated with a component of the filename is determined to be a **document file type**. However, Ferri also teaches that users may define the types of icons associated with a segment and the icon organization within the segment (see paragraph [0010]. Ferri also teaches "*Possible icon groups within a segment are documents, games, web pages, development tools, and other. Persons of ordinary skill in the art are aware of other icon groups for desktop icons*" (see paragraph [0032]). Defining icon groups for image data and multimedia data is fully within the scope of Ferri.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571)270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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